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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/786,080

02/26/2004

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EXAMINER

LAMB, CHRISTOPHER RAY

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/786,080	Applicant(s) MASHIKO, YASUHISA	
	Examiner Christopher R. Lamb	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Wachi (JP 10-092100; machine translation relied upon).

Regarding claim 2:

Wachi discloses:

A rotational velocity controlling system in an information recording/reproducing apparatus which records and reproduces information on/from an information recording medium, the system comprising:

revolution number detecting means for detecting the number of revolutions of the information recording medium (paragraph 33);

linear velocity detecting means for detecting the linear velocity at an information recording/reproduction position on the information recording medium (paragraphs 58-59);

control information generating means for generating rotation control information used for controlling the rotational velocity of the information recording medium based on the revolution number information obtained by the revolution number detecting means

and the linear velocity information obtained by the linear velocity detecting means (paragraphs 78-81); and

driving means for rotating the information recording medium based on the rotation control information generated by the control information generating means (paragraphs 78-81).

wherein:

the control information generating means uses the revolution number information obtained by the revolution number detecting means and the linear velocity information obtained by the linear velocity detecting means to divide one of these information by the other (paragraph 78);

the control information generating means generates a revolution number error from the revolution number information based on an operation result value obtained by the division (paragraphs 80, 83: the apparatus determines the “detection location” of the spot; from the detection location determines the target revolution number; then compares the current revolution number to the target – this generates a revolution number error); and

the control information generating means outputs the revolution number error as the rotation control information to the driving means (paragraph 83).

Regarding claim 3:

In Wachi the control information generating means includes numerical range limiting means for limiting the numerical range of the operation result value (the

operation result value is the detected location of the optical spot: since it is looked up in a table, as per paragraph 75, it is inherently limited to the entries in the table).

Regarding claim 4:

In Wachi the numerical range limiting means is upper limit means for limiting an operation result value which exceeds a predetermined value to the predetermined value (again, since the operation result value is the detected location, and it is looked up in a table, as per paragraph 75, there is inherently an upper limit to the value, which is the highest entry in the table; also, since the table lists locations on an optical disc, there will not be an entries for results larger than the disc).

Regarding claim 5:

Wachi discloses:

A rotational velocity controlling system in an information recording/reproducing apparatus which records and reproduces information on/from an information recording medium, the system comprising:

revolution number detecting means for detecting the number of revolutions of the information recording medium (paragraph 33);

linear velocity detecting means for detecting the linear velocity at an information recording/reproduction position on the information recording medium (paragraphs 58-59);

control information generating means for generating rotation control information used for controlling the rotational velocity of the information recording medium based on the revolution number information obtained by the revolution number detecting means

and the linear velocity information obtained by the linear velocity detecting means (paragraphs 78-81); and

driving means for rotating the information recording medium based on the rotation control information generated by the control information generating means (paragraphs 78-81), and

abnormality detecting means for detecting occurrence of an abnormality in the output of the linear velocity detecting means according to a relationship between the revolution number information and the linear velocity information (paragraphs 80-82: the apparatus detects the position of the optical spot and then determines if the linear velocity is appropriate, increasing or decreasing it if necessary: if it is not appropriate, it is an abnormality).

Response to Arguments

3. Applicant's arguments filed March 17th, 2008 have been fully considered but they are not persuasive.

Applicant argues that the revolution number information and the linear velocity information in Wachi are used “merely for detecting the location of the head,” and that “in the pending claims, by contrast, the rotational velocity is controlled based on the revolution number information and the linear velocity.”

Wachi does use the revolution number information and the linear velocity information to detect the location of the head. However, the rotational velocity is controlled based on the location of the head (as disclosed, in, e.g., paragraphs 80-81). If the revolution number information and the linear velocity information are used to detect

the location of the head, and the velocity is controlled based on that detected location, the velocity is controlled based on the revolution number information and the linear velocity.

Wachi may not use the information in exactly the same way as applicant's invention, but Wachi's disclosure does meet a reasonable interpretation of the claim language.

Applicant's second argument is only that claims 3 and 4 are allowable due to their dependence on claim 2. Since applicant's argument with regards to claim 2 was not persuasive, this argument is not persuasive either.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Lamb whose telephone number is (571)

272-5264. The examiner can normally be reached on 9:00 AM to 5:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph H. Feild/
Supervisory Patent Examiner, Art
Unit 2627

CRL 7/8/08